

REMARKS

Claims 25-30, 32-33, 36-38 and 45-52 were pending in the application at the time of the present Action. Claims 28, 30, 33, 36, 38 and 46 have been cancelled herein. Claims 25, 29, 37, 45 and 47-52 have been amended herein. Claims 25, 45 and 49 are independent.

Applicants' representative would like to thank the Examiner for the suggestions during the prior discussion relative to this matter. It is respectfully submitted that the amendments above generally conform to those discussions.

Indefiniteness under 35 USC 112

Claims 25-30, 32, 45-47 and 49-52 stand rejected as being indefinite for violation of the written description requirement. It is argued that the hole defined in the bottom wall of the socket was not fully described in the specification. Independent claims 25, 45 and 49 have been amended herein to define the bottom wall of the socket as having a central portion with radiating arms connecting the central portion to the sidewall of the socket, with the arms separated by holes. Also, these claims define the axially positioned flexible ribs as being positioned adjacent a corresponding hole to permit deflection of the rib. This structure is shown in Figs. 7 and 8 and described in the specification at paragraph 31. Manifestly, these claims are definite and meet the requirements of Section 112.

Anticipation under 35 USC 102(b)

Claims 25-30 and 32 stand rejected as being anticipated by US 5,566,624 to Brown. In addition, claims 33, 36-38 and 48 stand rejected as being anticipated by the prior art shown in Figs 10 and 11 in the application. However, claims 45-47 and 49-52 are indicated to be allowable, subject to the objection under Section 112.

In the amendments above, rejected independent 25 has been amended to define the specifics of the bottom wall of the socket and the spacing created by the holes between the arm portions and by the alignment with the ribs. Independent claim 33 has been cancelled, with its dependant claims made dependant on allowable claim 45. Claim 49 is also now independent and incorporates the structures of the bottom wall of the socket.

Claims 45 and 49 were considered allowable, subject to the objection under Section 112. These claims have been amended to overcome the objection and thus are allowable as now written. Claims 37, 48 and 50-52 which depend on these independent claims are therefore also allowable.

It is respectfully submitted that Claim 25 and its corresponding dependant claims 26, 27, 29, 32 and 47 are also allowable over Brown and the admitted prior art shown in the application for at least the same reasons as Claims 45 and 49.

Brown discloses a pallet having a plurality of wells defined thereon. The wells 24, 26, 28, 30 also serve as feet and have a plurality of ribs 41 formed therein “[t]o achieve increased stiffness of each foot.” Brown, column 3, lines 64-65. Furthermore, referring to Figs. 5-6 of Brown, the ribs 41 are illustrated as having three side walls, and being connected to the bottom wall of the well.

Claim 25 recites the holes defined within the bottom wall of each socket, corresponding to each of the ribs within the socket, with the ribs being spaced from the bottom wall of the socket. In Brown, the ribs are integrally formed with the bottom wall of the socket. (See, e.g. Figs. 12 and 13.) The hole in the socket in Brown is in the center of the well. There is no central region, with radially projecting arms separated by holes.

The admitted prior art structure as shown in Figs. 10 and 11 in the application includes four vertical ribs 16 which are aligned with and formed as part of the four arms that define the bottom of the well. The four hooks 18 in this prior structure are positioned adjacent the upper rim of the socket. The hooks are not elongated, are not flexible and do not extend vertically along the internal sidewalls of the sockets to a position adjacent the bottom wall of the socket. For each of these reasons the structure claimed is distinguishable over this prior structure.

It is respectfully submitted that Claim 25 and its corresponding dependent claims are in condition for allowance. All claims have been amended to overcome the objection based on Section 112.

CONCLUSION

The application is submitted to be in condition for allowance. The above amendments should be entered at this time and a notice of allowance issued. At the very least, the above amendments should be entered after final since they reduce the number of issues and claims which would be the subject matter of an appeal.

If the Examiner is of the opinion that issues remain which could be resolved by a telephone call, the Examiner is invited to contact Applicants' representative prior to the final (6 month) deadline for response.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'TJD', with a long horizontal line extending to the right.

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